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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,096	05/31/2001	Mamoru Shimazaki	P/126-204	9305

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/871,096

Applicant(s)

Shimazaki

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This Action is in response to Applicant's amendment filed on February 18, 2005. **Claims 1-6** are still pending in the present application. **This Action is made FINAL.**

#### *Specification*

2. The disclosure is objected to because of the following informalities: On **page 13 line 22**, replace "221" with --206-- after "display". Appropriate correction is required.

#### *Claim Objections*

3. **Claim 1** is objected to because of the following informalities: On **line 11**, insert --and-- after "plate". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, and 4-6** are rejected under 35 U.S.C. 102(b) as being anticipated by **Higginbotham et al. (U.S. Patent # 5,896,575).**

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Consider **claim 1**, Higginbotham et al. clearly show and disclose an electronic device 100 (information processing apparatus) (abstract and figures 1, 2, and 6-8) comprising a hinge mechanism 106 (figures 1, 2, 6, and 7 and column 2 lines 20 and 21), a display portion 102 (first case) (figures 1, 2, 6, and 7), and a base portion 104 (second case) (figures 1, 2, 6, and 7 and column 2 lines 16-25), each of said portions 102, 104 (first and second cases) having front and back sides (figures 1, 2, and 6-8) and said portions 102, 104 (cases) being coupled to each other through said hinge mechanism 106 so that said electronic device 100 (information processing apparatus) is folded with front sides of said portions 102, 104 (first and second cases) are faced to each other (figures 1, 2, and 6, column 2 lines 16-48, and column 3 line 60 - column 4 line 5);

wherein said display portion 102 (first case) has a display unit 114 (figures 1, 2, and 8, and column 2 lines 16-30) so that a displayed content of said display unit 114 can be seen from both the front and back sides 118, 116 of said display portion 102 (first case) (figures 1 and 2 and column 2 lines 16-48);

said display unit 114 being provided with a liquid crystal display (LCD) plate (column 3 lines 1-7) having first and second sides 118, 116 (figures 1 and 2) and a pair of transparent seals 302 (screens that are substantially transparent) (figure 3 and column 2 lines 54-67) being arranged in an opposed and aligned manner over the first and second sides 118, 116 of said liquid crystal display (LCD) plate (figure 3 and column 2 lines 54-67); and

said base portion 104 (second case) having a keypad 112 (at least one of operating buttons) for the operation of said electronic device 100 (information processing apparatus) (figures 2 and 8, column 2 lines 42-53, and column 4 lines 58 and 59).

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Consider **claim 2**, and **as applied to claim 1 above**, Higginbotham et al. inherently disclose that said base portion 104 (second case) is provided with a battery since the display portion 102 (first case), as shown in figures 3 and 5, only includes the display unit 114 and the device 100 (apparatus) requires battery power (column 4 lines 66 and 67), consequently, the base portion 104 (second case) must be provided with the battery.

Consider **claim 4**, and **as applied to claim 1 above**, Higginbotham et al. further show and disclose that said electronic device 100 (information processing apparatus) comprises a control circuit (microprocessor 808 and display position detector 606) (figures 6 and 8) for switching the display content of said display unit 114 so that the display content is normally seen from any one of the front and the back sides 118, 116 of said display portion 102 (first case) (column 4 lines 31-40).

Consider **claim 5**, and **as applied to claim 4 above**, Higginbotham et al. also disclose that said control circuit (microprocessor 808 and display position detector 606) (figures 6 and 8) switches the displayed content when the device 100 (apparatus) is closed (i.e., since the device 100 (apparatus) is closed the keypad 112 (at least one of operating buttons) is not touched for a predetermined time) so that the displayed content is normally seen in left and right directions from said back side 116 of said display portion 102 (first case) (column 3 line 60 - column 4 line 5 and column 4 lines 31-40).

Consider **claim 6**, and **as applied to claim 4 above**, Higginbotham et al. further show and disclose that said display portion 102 (first case) and said base portion 104 (second case) are provided with a display position detector 606 (sensing switch) for sensing said portions 102, 104

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(first and second cases) are opened from or closed to each other (figure 6 and column 3 line 60 - column 4 line 5);

said control circuit (microprocessor 808 and display position detector 606) switching the displayed content, when said display position detector 606 (sensing switch) senses that said portions 102, 104 (first and second cases) are opened from each other, so that the displayed content is normally seen in left and right directions from said front side 118 of said display portion 102 (first case) (figure 8 and column 4 lines 31-40).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Higginbotham et al. (U.S. Patent # 5,896,575)** in view of **Smith et al. (U.S. Patent # 6,574,487 B1)**.

Consider **claim 3**, and as applied to **claim 1** above, Higginbotham et al. clearly show and disclose the claimed invention except that said portion 102 (first case) is provided with a speaker for telephone talking and said portion 104 (second case) is provided with a microphone for telephone talking.

In the same field of endeavor, Smith et al. disclose a communication device 10 (figures 1 and 2) comprising a first case (housing 14) (figure 1) provided with a speaker for telephone talking (figure 1), and a second case provided with a microphone for telephone talking (column 2 lines 17-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the speaker and microphone structure taught by Smith et al. in the device 100 disclosed by Higginbotham et al. for the purpose of providing voice communication features.

### ***Response to Arguments***

7. Applicant's arguments with respect to **claim 1** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the



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Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Rafael Perez-Gutierrez  
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**  
**PRIMARY EXAMINER**

September 5, 2005